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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 3, 2003

PETITION OF

STICKDOG TELECOM, INC.

CASE NO. PUC-2003-00008

Regarding Notification of Disconnection from Verizon
Virginia Inc.

**ORDER DENYING RECONSIDERATION
AND GRANTING CLARIFICATION**

On January 15, 2003, Verizon Virginia Inc. ("Verizon Virginia"), filed a letter with the Clerk of the State Corporation Commission ("Commission") pursuant to 20 VAC 5-423-80 notifying the Commission that Verizon Virginia proposed to disconnect resale service to Stickdog Telecom, Inc. ("Stickdog"), on March 17, 2003 ("Notification of Disconnection"). As set forth in 20 VAC 5-423-80, Verizon Virginia's Notification of Disconnection provided information regarding: (1) the number of Stickdog resale customers to be disconnected and the proposed disconnection date; (2) the amount claimed to be owed to Verizon Virginia by Stickdog, including the identification of any disputed amounts; (3) a description of any efforts that Verizon Virginia and Stickdog have taken to prevent disconnection or disruption of service to Stickdog's customers; (4) any proposal to notify or transfer Stickdog's customers to Verizon Virginia or to other carriers; and (5) a copy of a written disconnection notice sent to Stickdog.

On January 22, 2003, Stickdog filed a letter with the Clerk of the Commission objecting to Verizon Virginia's Notification of Disconnection. Stickdog asserted that the information submitted by Verizon Virginia in the Notification of Disconnection was inaccurate and objectionable. Stickdog,

among other things, challenged certain information provided by Verizon Virginia and provided additional information on the billing dispute that led to the Notification of Disconnection. In addition, Stickdog requested that, if the Commission is unwilling to prevent Verizon Virginia from disconnecting Stickdog's customers' local phone service, the Commission at least require Verizon Virginia to confirm that it will not disconnect asynchronous digital subscriber line ("DSL") services and that it will allow DSL services to continue without interruption under Stickdog's Internet account with Verizon Virginia.

On January 29, 2003, the Commission issued an Order Establishing Proceeding docketing the matter and establishing a procedural schedule. Additionally, the Commission directed Stickdog to provide information required by Rule 5 VAC 5-20-100 B of the Commission's Rules of Practice and Procedure.

On February 4, 2003, Stickdog filed its Supplemental Pleading, Petition for Discontinuance of Service and Petition for Injunction ("Petition"). In its Petition, Stickdog reiterated its objections to Verizon Virginia's Notification of Disconnection, petitioned the Commission for authority to discontinue the provision of all local exchange telecommunications services pursuant to the Rules Governing the Discontinuance of Local Exchange Services set forth at 20 VAC 5-423-10 et seq., requested that the Commission enjoin Verizon Virginia from disconnecting Stickdog until all its customers have been notified, and further petitioned that Verizon Virginia be enjoined from interrupting service to Stickdog's DSL customers who choose to migrate their DSL service to Verizon Virginia.

Additionally, Stickdog requested a 60-day customer notice period after entry of the Commission's Order and asked the Commission to enjoin Verizon Virginia from discontinuing service to Stickdog's customers for at least 90 days from entry of an order. Stickdog also included suggested language to be used as its notice to customers and further indicated that it wished to include notice to its customers as a billing insert.

On February 7, 2003, Verizon Virginia filed its Answer to Stickdog's Petition ("Answer") opposing Stickdog's requests for injunction and reiterating its desire and intent to disconnect Stickdog's local exchange telecommunications services on March 17, 2003. Verizon Virginia also suggested that Stickdog be required to notify its customers by first-class mail no later than February 14, 2003. Additionally, Verizon Virginia took issue with the wording of Stickdog's proposed customer notice. Finally, Verizon Virginia noted that it intends to disconnect Stickdog's DSL service under the provisions of the applicable federal tariff.

On February 11, 2003, Stickdog filed its Response to Answer of Verizon Virginia Inc. ("Response"). Stickdog's Response renewed its requested relief set out in its Petition of February 4, 2003; denied that the alleged debt owed by Stickdog in the amount of \$1.1 million is undisputed; denied that Stickdog is delinquent on its DSL accounts; and renewed its request for injunctive relief as set out in Stickdog's Petition of February 4, 2003.

On February 12, 2003, Verizon Virginia filed a Motion for Leave to File Response to Stickdog's February 11, 2003, Response. In its response, Verizon Virginia requested that the Commission deny Stickdog's request for injunctive relief and order Stickdog to notify its customers by first-class mail.

On February 18, 2003, the Commission issued its Order Permitting Discontinuance, enjoining Verizon Virginia from disconnecting service to Stickdog until after April 15, 2003; enjoining Verizon Virginia from disconnecting former Stickdog customers who have pending orders for services in place on or before April 15, 2003; directing Verizon Virginia to follow its expedited ordering procedures in transferring customers; directing Stickdog to notify its customers of discontinuance by first-class mail on or before March 3, 2003; requiring Stickdog to report the number of its remaining customers on or before April 11, 2003; requiring Stickdog to notify the Commission when it has completed

discontinuance of service to its customers; requiring Verizon Virginia to notify the Commission when it has completed disconnection of service to Stickdog; and requiring the Staff to monitor the discontinuance process as necessary.

On February 25, 2003, Verizon Virginia filed a Petition for Reconsideration ("Reconsideration Petition") of the Commission's February 18, 2003, Order, alleging, among other things, that the Commission violated its rules by imposing an injunction upon Verizon Virginia by expanding the interval between Verizon Virginia's notice to the Commission and the actual date of disconnection of service to Stickdog and by giving customers more than 30 days' notice of impending disconnection.

NOW THE COMMISSION, upon consideration of this matter, finds as follows. Rule 5 VAC 5-20-220 of the Commission's Rules of Practice and Procedure permits filing a petition for reconsideration in response to a final judgment, order, or decree. Our February 18, 2003, Order Permitting Discontinuance was not a final order. We will issue a final order and close this case after receiving the information required by the Order Permitting Discontinuance and concluding that there are no issues remaining in this case. Accordingly, we will treat Verizon Virginia's Reconsideration Petition as a motion for reconsideration under 5 VAC 5-20-110.

We have reviewed and considered all of the arguments in the Reconsideration Petition, and it is hereby denied. We will, however, grant clarification on one matter. Verizon Virginia explains that even if a Stickdog customer selects another competitive local exchange carrier ("CLEC") by April 15, 2003, Verizon Virginia may not have received an associated order from the CLEC to transfer that customer's local exchange telecommunications services. Consequently, nothing in Verizon Virginia's systems would indicate the existence of the customer's selection of another carrier.

In this regard, we clarify that ordering paragraph (3) of our February 18, 2003, Order Permitting Discontinuance enjoins Verizon Virginia from disconnecting any of Stickdog's local exchange

customers for which Verizon Virginia has received an associated order to transfer local exchange telecommunications services on or before April 15, 2003. We also will provide a copy of this Order to all CLECs certificated by the Commission to provide service in Virginia so that the CLECs are aware of the need promptly to notify Verizon Virginia when a Stickdog customer chooses the CLEC as its new telephone company. Finally, we also note that ordering paragraph (4) of our February 18, 2003, Order Permitting Discontinuance requires Verizon Virginia to follow its expedited ordering procedures and make every effort to assist in the timely transfer of Stickdog's customers, including its DSL customers, to the customer's new local exchange telecommunications carrier in order to prevent the disruption of service to those customers as required by 20 VAC 5-423-80 D.

Accordingly, IT IS ORDERED THAT:

- (1) Verizon Virginia's Petition for Reconsideration is denied.
- (2) The Commission's February 18, 2003, Order Permitting Discontinuance is clarified to provide that ordering paragraph (3) of that Order enjoins Verizon Virginia from disconnecting any of Stickdog's local exchange customers for which Verizon Virginia has received an associated order to transfer a customer's local exchange telecommunications services on or before April 15, 2003.
- (3) The Clerk of the Commission shall provide of copy of this Order to competitive local exchange carriers certified by the Commission.
- (4) This matter is continued until further order of the Commission.